

United States District Court

WESTERN DISTRICT OF NEW YORK

Phillip Johnson

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 09-cv-160

v.

James Berbary
Superintendent Collins Correctional Facility

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the petition for writ of habeas corpus is denied. A Certificate of Appealability is denied and the court certifies that any appeal from this judgment would not be taken in good faith and denies leave to appeal as a poor person.

Date: January 27, 2011

MICHAEL J. ROEMER, CLERK

By: s/J. McCarthy
Deputy Clerk